

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	Case No.:	N/A
)	License No.:	N/A
631 T Street, N.W.)	Order No:	2022-947
)		
Order to Cease and Desist)		
(Unlicensed Nightclub))		
)		
631 T Street, N.W.)		
Washington, DC 20001)		

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Aliya Crockett, Member
Edward S. Grandis, Member

PARTIES: Thomas A. Hart, Jr.
Terrance Ford
T Street Development LLC
631 T Street, N.W.
Washington D.C., 20001

CEASE AND DESIST ORDER

INTRODUCTION

On December 14, 2022, the Alcoholic Beverage Control Board reviewed compelling evidence that that the illegal sale, service, and consumption of alcohol at 631 T Street, N.W., occurred on December 3, 2022. Moreover, this location appears unsafe for public gatherings and appears to be a location used to provide alcohol to minors. In light of this illegal activity, the landlord and all entities associated with the landlord, including T Street Development, LLC, and their agents, are ordered to cease and desist the sale, service, and consumption of alcohol at the property, and any other location in the District until an appropriate license is obtained.

FINDINGS OF FACT

1. On Saturday December 3, 2022, Alcoholic Beverage Regulation Administration (ABRA) Supervisory Investigator Jason Peru and ABRA Investigator Jeremy Zollarcoffer determined that no alcohol license had been issued to 631 T Street, N.W., after receiving a complaint. *Case Report*, 1 (Dec. 3, 2022) (T Street Development LLC).
2. The investigators, later joined by ABRA Investigator Kevin Puente, arrived in the vicinity of the address that was the subject of the complaint. *Id.* While no activity was observed there, they observed a line of young patrons attempting to enter 631 T Street, N.W., which was nearby. *Id.* The investigators further observed a disc jockey performing inside through a window. *Id.*
3. Upon being joined by police, the investigative teams approached the main door of 631 T Street, N.W. *Id.* at 2. There, the investigators observed people collecting admission fees through Zelle, Venmo, and the Cash App. *Id.* A patron advised the team that “a private party for Howard University freshman” was occurring. *Id.* A person at the door stated that no alcohol was present when asked by the investigator. *Id.* The team then entered the premises after announcing they were conducting a compliance check related to the building’s Certificate of Occupancy. *Id.*
4. Despite the person at the door saying no alcohol was present, the investigative team observed approximately 100 people consuming alcohol from red solo cups and a makeshift bar. *Id.* The investigator further noted that the patrons appeared to be under the age of 21. *Id.*
5. The investigative team then turned on the lights and the patrons fled in response. *Id.* Some patrons took bottles of alcohol with them, discarded beer, port wine, and vodka were found, and open bottles that had been dumped out were observed in the sink. *Id.*
6. The investigative team was then approached by a man identified as Terrance Ford, who identified himself as the manager of the building. *Id.* He claimed he had a liquor license but Investigator Puente advised him that the license was a one day license issued in 2019 and that no license currently authorized the sale of alcohol on the premises. *Id.* Mr. Ford told the investigative team that the building was owned by Thomas Hart, Jr. *Id.* Mr. Ford further claimed that Mr. Hart was on the board of the Howard Theater. *Id.*
7. After the incident, Investigator Puente reviewed various records. *Id.* The records indicate T Street Development, LLC, owns 631 T Street, N.W. *Id.* Records further show that Mr. Hart is the owner of the property. *Id.* Finally, a Certificate of Occupancy for the premises shows that the premises are authorized for retail sales on the first floor and office space on the second and third floor—and is not authorized as a large public gathering space.

CONCLUSIONS OF LAW

8. Title 25 of the District of Columbia (D.C.) Official Code (Title 25) provides the Board with the authority to order any individual or licensee to immediately cease “. . . violating any provision of . . . [Title 25 when] the violation has caused, or may cause, immediate and irreparable harm to the public” D.C. Official Code § 25-829(a).

I. The Event Violated D.C. Official Code § 25-102.

9. The Board finds that the event on December 3, 2022, violated D.C. Official Code §§ 25-102(a) and (d). Under § 25-102(a), “No person shall sell any alcoholic beverage in the District without having first obtained an appropriate license as required by this title.” D.C. Code § 25-102(a). The Board further notes that under part (d) of the same statute, “No person operating any premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation or where facilities are especially provided and service is rendered for the consumption of alcoholic beverages who does not possess a license under this title shall permit the consumption of alcoholic beverages on the premises.” D.C. Code § 25-102(d). In this case, the investigative team observed the event organizer charge a cover charge for admission and provide alcohol to patrons, which is sufficient to qualify as a sale under § 25-102(a) and prohibited without a license. The Board further notes that the event organizer also provided a disc jockey as entertainment and charged a cover charge, which is sufficient on its own to require a liquor license when alcohol consumption occurs on the premises pursuant to § 25-102(d). Therefore, the event on December 3, 2022, violated both D.C. Official Code §§ 25-102(a) and (d).

II. THE CONTINUED OPERATION OF THE PREMISES FOR UNLICENSED PARTIES CREATES IRREPERABLE HARM TO THE PUBLIC.

10. The Board finds that the continued operation of alcohol events at an unlicensed location causes irreparable harm to the public by allowing the facilitators to maintain a continuing nuisance that threatens the safety and welfare of the public. Separate and apart from this determination, the continued illegal activity at this location poses a threat to the public where large public gatherings have not been authorized or deemed safe and the event organizer appears willing to cater to minors seeking to engage in underage drinking.

11. The Board further notes that all violations of Title 25 are deemed nuisances pursuant to § 25-805. D.C. Official Code § 25-805; *see also Com. ex rel. Preate v. Danny's New Adam & Eve Bookstore*, 625 A.2d 119, 122 (1993) (It is well-settled that even a lawful business may be enjoined from operation if it is shown that, under the particular circumstance, its operation constitutes a public nuisance); *Camp v. Warrington*, 227 Ga. 674, 674, (1971) (“where it is made to appear with reasonable certainty that irreparable harm and damage will occur from the operation of an otherwise lawful business amounting to a continuing nuisance, equity will restrain the construction, maintenance or operation of such lawful business.”). In this case, permitting the proprietors to continue to illegally operate without approval would allow them to

maintain and benefit from the operation of a continuing nuisance and to continue to endanger the public.

12. Finally, the Board is convinced that the circumvention of the licensing process threatens the health, safety, and welfare of the public. The misuse of alcohol encourages crime, disorder, and other antisocial behavior. The licensing process keeps those who cannot be trusted to superintend a licensed event, such as criminals, individuals with a history of repeated violations of the District's alcohol laws, and those without sufficient knowledge and training, from obtaining a license. Therefore, additional alcohol events cannot be allowed to occur at this location until an appropriate alcohol license is obtained, the premises are deemed safe for large gatherings, and appropriate steps to deter underage drinking are taken.

ORDER

Therefore, the Board, on this 14th day of December 2022, hereby orders Thomas Hart, Jr., T Street Development LLC, Terrance Ford, and their agents to cease distributing, purchasing, selling, serving, or otherwise permitting the consumption of alcoholic beverages, or otherwise allowing third parties to engage in such activities at 631 T Street, N.W., and any other location in the District until an appropriate license is obtained.

IT IS FURTHER ORDERED, pursuant to D.C. Official Code § 25-115(c) and 23 DCMR § 1003.1, that ABRA shall no longer issue temporary licenses and one-day substantial change licenses for the above-mentioned address until this matter is resolved to the satisfaction of the Board.

IT IS FURTHER ORDERED, pursuant to D.C. Official Code § 25-801(e), that ABRA refer this matter to the Office of the Attorney General for the District of Columbia (OAG) for prosecution. The Board further requests that OAG seek the enforcement of this Order in the Superior Court of the District of Columbia under D.C. Official Code §§ 25-829(f) (cease and desist orders) and 25-805 (nuisance) should it be deemed necessary.

Please be **ADVISED** that a copy of this Order is being forwarded to the Metropolitan Police Department to ensure compliance. If it is found that you are continuing to sell, serve, or permit the consumption of alcoholic beverages without approval from the Board, you and all other persons involved may be subject to both civil and criminal penalties.

ABRA shall serve notice by certified mail or personal delivery on the parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb9eb9d5f09e4b730093d1dccc8

Donovan Anderson, Chairperson

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James Short
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James Short, Member

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Bobby Cato
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Bobby Cato, Member

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Jeni Hansen, Member

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Edward Grandis, Member
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Edward S. Grandis, Member

You have the right to request a hearing before the Board conducted in accordance with subchapter I of Chapter 5 of Title 2. Pursuant to D.C. Official Code § 25-829(b)(1), you may submit a written request to the Board for a hearing within fifteen (15) days of service of this Order. Additionally, you also have the option of submitting a written request to the Board for an expedited hearing pursuant to D.C. Official Code § 25-829(c)(1) within ten (10) days of service of this Order. Please note that if you fail to request a hearing, this Order shall be deemed final. D.C. Official Code § 25-829(d).

If you request a hearing, you may appear personally at the hearing, and you and the establishment, may be represented by legal counsel. You have the right to produce witnesses and evidence on your behalf and to cross-examine witnesses. You may examine evidence produced, and have subpoenas issued on your behalf to require the production of witnesses and evidence.

All hearings are conducted in the English language. If you, any corporate officer, or any witnesses to be called are deaf, have a hearing impediment, or cannot readily understand or communicate the spoken English language, an application may be made to the Board for the appointment of a qualified interpreter.

Your failure to appear at the time and place set for the hearing, if requested, either in person or through counsel, or both, will not preclude the Board from proceeding in this matter. Should you have any questions, contact ABRA Adjudication Specialist Danette Walker at 202-442-4418.

Finally, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, District of Columbia Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b).